

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CONSTANTINO ROJAS, :

Plaintiff, :

- against - :

ALL ABOUT FOOD CORP., :

Defendant. :

- - - - -X

CHIN, District Judge

A pretrial conference was scheduled for today. Counsel for the defendant appeared. No one appeared on behalf of the plaintiff. Defense counsel advised the Court that plaintiff has not responded to defendant's discovery requests.

Under the circumstances, the Court is considering dismissing this case under Federal Rule of Civil Procedure 41(b) for failure to prosecute. Plaintiff is hereby ordered to show cause in writing by May 26, 2009 why the Court should not dismiss this case for failure to prosecute. If plaintiff does not respond, the case will be dismissed.

SO ORDERED.

Dated: New York, New York
May 15, 2009


DENNY CHIN
United States District Judge

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